

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNWIRED PLANET LLC,

Plaintiff,

v.

GOOGLE INC.,

Defendant,

Case No. 3:12-cv-00504-MMD-VPC

ORDER

The Court's Order granting in part and denying in part Defendant's Motion for Appointment of Technical Advisor directed the parties to submit names of technical advisor candidates and proposed procedural safeguards. (Dkt. no. 285.) The parties have timely filed the Joint Submission Regarding Appointment of a Technical Advisor (dkt. no. 321). Having reviewed the Joint Submission, the curricula vitae of the proposed technical advisors and good cause appearing, the Court appoints Richard Egan as the neutral technical advisor for this case. The terms and scope of Richard Egan's appointment are as follows:

1. The technical advisor's role is to aid the Court to understand the relevant scientific evidence and provide tutelage concerning the relevant technology. The Court may request from the technical advisor a formal written report that will be made part of the record, but the Court also may have informal communications with the technical advisor that are not included in any formal written report. Any such informal verbal

1 communications must be transcribed for the record under sealed and may
2 be unsealed by the Court after the conclusion of this case. Any such
3 written informal communications will similarly be filed under sealed and
4 may be unsealed by the Court after the conclusion of this case. The
5 parties will have twenty-one (21) days to respond to any formal written
6 report made part of the record.

7 2. The technical advisor's advice to the Court will be based only on
8 information and evidence found in the record. The technical advisor will
9 make no written findings of fact and will not supply any evidence to the
10 Court. The technical advisor will not be an "expert witness" under the
11 Federal Rules of Evidence; and the provisions of the Federal Rules of
12 Evidence governing deposing and questioning expert witnesses will be
13 inapplicable to the technical advisor. The technical advisor will not make
14 any statements or presentations to the jury in this case.


15 3. The technical advisor may attend any court proceedings, and review any
16 documents submitted to the Court. The technical advisor will be bound by
17 the terms of the Protective Order in this case.

18 4. The technical advisor will have no contact with the parties or their counsel
19 except for billing purposes. The technical advisor's fees will be divided
20 equally between the parties.

21 5. The technical advisor will file a declaration stating that he will adhere to
22 the terms of his appointment.

23 It is so ordered.

24 DATED THIS 3rd day of June 2014.

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27 _____
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE